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EXAMINER

JORGENSEN, LELAND R

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 11/19/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/824,397

Applicant(s)

HORIKI, TOSHIO

Examiner

Leland R. Jorgensen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. In view of the applicant's amendment filed 8 September 2003, the objection to claim 21 is withdrawn.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 26, 27, and 29 - 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigel, USPN 5,168,531, in view of Gale et al., USPN 6,452,577 B1 and Nishiyama et al., USPN 5,436,954.

### **Claim 26**

Sigel teaches an information display method. The method comprises imaging step of capturing an image of an object [with video camera 24]. Sigel, col. 4, lines 5 – 12; and figures 1 and 2. A image processing step processes the image captured by the imaging step [by an analog-to-digital computer 41 to provide image data representing samples of the image]. Sigel, col. 4, lines 5 – 12; col 4, line 59 – col. 5, line 2; and figures 1 and 2. A position detecting step detects from the processed image the position of the object on a display [by object recognition computer 42]. Sigel, col. 4, lines 5 – 12; col. 5, lines 45 – 63; and figures 1 and 2. A display step displays prescribed information, separately obtained from the imaging step, [using work station computer 43] on the display 21 [on the video display screen 30]. Sigel, col. 5, lines 64 – 67; and

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figures 1 and 2. A control step of displays a designated pointer [cursor 29] on the display [video display screen 30] in accordance with the position of the object [pointing finger 28] detected by the position detecting step. Sigel, col. 4, lines 12 – 17; and figures 1 and 2.

Sigel does not teach that the display step prescribes information on a projection microdisplay.

Gale teaches a projection microdisplay. Gale, col. 1, lines 12 – 16; col. 2, lines 60 – 67; and figure 1.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the projection microdisplay as taught by Gale with the information display method of Sigel to provide a small sized information display on a hand held device having an image that can be readily viewed by the user. Gale invites such combination by teaching,

This invention is a device for displaying information from a microdisplay in an enlarged format. It is recognized that microdisplays can be used in hand-held devices such as pagers, video and digital cameras, cellular telephones, and card readers. The user holds the system in proximity to their eye such that they view the microdisplay through an optical system which magnifies the image on the microdisplay. Small area displays can be made using different technologies including transmission or reflective liquid crystal displays, light emitting diode (LED) array displays, electroluminescent displays, digital micro-mirror displays and field emission displays.

It is a desire to have an image which is viewable by a user at a distance greater than a few inches from the device containing an electronic display. The present invention produces a magnified image from a small area display that is directed along an optical path to viewing surface optical elements readable at a greater distance.

Gale, col. 1, lines 12 – 31.

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Although Gale teaches a projection microdisplay for a handheld device, neither Gale nor Sigel specifically teaches controlling the pointer using only the same hand that hold the projection micro-display.

Nishiyama teaches a portable radio telephone being configured so that one operate various buttons, including a pointer (selector 8), with only one hand while holding the telephone set itself in the same hand. Nishiyama, col. 1, lines 53 – 65; col. 2, lines 36 – 43; col. 4, lines 5 – 31; col. 5, lines 30 – 33; col. 9, lines 43 – 47; and figures 4 and 8.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the one handed operation of Nishiyama with the information display method of Sigel and Gale to provide a handheld device having reduced size that could be operated with one hand.

Nishiyama invites such combination by teaching,

It is an object of the present invention to provide a telephone set which makes it possible to easily perform various operations required particularly for conducting a radio telephone conversation with one hand while the telephone set itself is being held by the same hand.

It is another object of the present invention to simplify the procedure for selecting or operating a plurality of functions of the telephone set.

It is still another object of the present invention to provide a multi-functional telephone set, the number of buttons thereof being reduced as much as possible.

Nishiyama, col. 1, line 61 – col. 2, line 3. Nishiyama concludes,

According to the embodiment of the present invention, as described above, since the rotary selector is disposed in the hinge section of a telephone set which is folded so as to be housed, the hinge section is made to have a desired size so that the mechanical strength of the hinge section can be increased. Since the provision of the rotary selector results in a reduction of key buttons for performing multiple functions, there is an advantage in that the space where the telephone set is arranged can be effectively used.

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According to the embodiment of the present invention, there is an advantage in that by using the rotary selector disposed in a terminal, no key buttons exclusively used for controlling the cursor are needed, and the operation with one hand is made easier.

In addition, according to the embodiment of the present invention, the number of necessary key buttons can be reduced since the portable telephone set is provided with a rotary selector, and key buttons and a display of the most appropriate size can be arranged in a telephone set of the most appropriate size. Furthermore, when the rotary selector is disposed in the hinge section of a folding type portable telephone set, the space where the rotary selector is disposed can be reduced.

According to the embodiment of the present invention, since a rotary selector is disposed in the telephone set, it is possible to easily perform various operations necessary, in particular, for conducting a radio telephone conversation with the fingers of one hand while the telephone set itself is being held with the same hand.

Nishiyama, col. 9, lines 29 – 48.

#### **Claim 27**

Sigel teaches that the image captured by the imaging step is a fingertip [pointing finger 28]. Sigel, col. 4, lines 12 – 17; and figures 1 and 2.

#### **Claim 29**

Sigel teaches that the image processing step extracts a contour of the image, and the position detecting step detects the position of the image on a screen from the extracted contour. Sigel, col. 5, lines 12 – 44.

#### **Claim 30**

Sigel teaches that the image processing steps performs processing on portions of the image that are designated by a specific color. Sigel, col. 5, lines 3 – 11.

**Claim 31**

Sigel teaches an input step of carrying out a control input on an object pointed to by the designated pointer on the display surface. Sigel, col. 4, lines 27 – 58.

**Claim 32**

Sigel teaches that the designated pointer is displayed by detecting a fingertip as the image [pointing finger 28]. Sigel, col. 4, lines 12 – 17; and figures 1 and 2.

**Claim 33**

Sigel teaches that the position detecting step compares the image captured by the imaging step or the image extracted by the image processing step with a plurality of image patterns corresponding to the control inputs respectively, and when the captured or extracted image matches any one of the image patterns, the input step carries out a control input that corresponds to the matched image pattern. Sigel, col. 6, lines 30 – 64.

**Claim 34**

Sigel teaches that the position detecting step compares the images captured by the imaging step or the images extracted by the image processing step with a combination of a plurality of image patterns corresponding to one of the control input, and when the captured or extracted image match any one of the combination of image patterns, the input step carries out a control input that corresponds to the matched combination of image patterns. Sigel, col. 6, lines 30 – 64.

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4. Claims 6 – 12, 17 – 19, 21 – 25, 28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigel in view of Gale et al. and Nishiyama et al. as applied to claim 26 above, and further in view of Adair et al., USPN 6,424,369 B1.

#### **Claim 6**

Sigel teaches an information display device that comprises imaging means of capturing an image [video camera 24], image processing means [analog-to digital computer 41], position detecting means [object recognition computer 42], display means [display 21 with video display screen 30], and control means [work station computer 43] of displaying a designated pointer [cursor 29] on the display surface [video display screen] in accordance with the position detected by the position detecting means. Sigel, col. 4, lines 5 – 17; col. 4, line 59 – col. 5, line 2; col. 5, lines 45 – 67; and figures 1 and 2.

Gale teaches a projection microdisplay. Gale, col. 1, lines 12 – 16; col. 2, lines 60 – 67; and figure 1. Nishiyama teaches a portable radio telephone being configured so that one operate various buttons, including a pointer (selector 8), with only one hand while holding the telephone set itself in the same hand. Nishiyama, col. 1, lines 53 – 65; col. 2, lines 36 – 43; col. 4, lines 5 – 31; col. 5, lines 30 – 33; col. 9, lines 43 – 47; and figures 4 and 8.

For the reasons stated above in the rejection of claim 26, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the one handed operation of Nishiyama with the information display method of Sigel and Gale to provide a handheld device having reduced size that could be operated with one hand.



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Although Nishiyama teaches a radio telephone, neither Sigel, Gale, nor Nishiyama specifically teach an antenna for transmitting and receiving radio waves for wireless communications.

Adair teaches an antenna 36 for transmitting and receiving radio waves for wireless communications. Adair, col 7, lines 55 – 57; and figure 2. Adair teaches transmit processing means of processing a signal to be transmitted in the form of the radio waves; and receive processing means of processing the radio waves received by the antenna as a signal [transceiver/amplifier section 70]. Adair, col. 10, lines 6 – 31; and figure 4. Adair also teaches Imaging means for capturing an image [ camera module 10]; image processing means [video processor board 50], and display surface [video view screen 26]. Adair, col. 7, lines 25 – 33, 43 – 45, 60 – 64; col. 8, lines 19 – 23; col. 9, lines 47 – 54; and figures 2 and 4.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the information display device with antenna as taught by Adair with the information display device as taught by Sigel, Gale and Nishiyama. Adair invites such combination by teaching,

It is one general object of this invention to provide a video system in combination with a standard PDA enabling a user to take video images by a very small camera module incorporated within the PDA, view the video images taken on a video viewscreen incorporated within the PDA, and to have the capability to store, download the video images, and send the video images electronically through a communications network.

Another object of this invention is to provide a PDA with the ability to not only transmit video images taken by the camera module, but also to receive video images sent from a remote location via the communications network, and to view such received video images on the video view screen of the PDA. Accordingly, the invention is ideally suited for video teleconferencing.

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It is another object of this invention to provide a reduced area imaging device incorporated within a PDA which takes advantage of "camera on a chip" technology, but to rearrange the video processing circuitry in a selective stacked relationship so that the camera module has a minimum profile.

It is yet another object of this invention to provide imaging capability for a PDA wherein the video camera used is of such small size that it can be stored in the PDA when not in use. The camera module is attached to the PDA by a retractable cord which enables the imaging device to be used to image anything at which the camera module is pointed by the user without having to also move the PDA away from the view of the user.

In all applications, to include use of the imaging device of this invention with a PDA, "camera on a chip" technology can be improved with respect to reducing its profile area, and incorporating such a reduced area imaging device within a PDA such that minimal size and weight is added to the PDA, and further that the imaging device can be used to image selected targets by the user.

Adair, col. 3, line 58 – col. 4, line 27.

#### **Claims 7 and 28**

It is inherent to that the video view screen 26 shown in Adair figure 6 would be smaller than the capture region. For example, assume that the camera module was aimed at a person. The capture region would include the image of the person including a portion of the background such as the Empire State Building in New York City. The video view screen is smaller than the person and the Empire State Building included in the capture region.

#### **Claim 8**

Sigel teaches that the image processing means extracts a contour of the image, and the position detecting means detects the position of the image on a screen from the extracted contour. Sigel, col. 5, lines 12 – 44.

**Claim 9**

Sigel teaches that the image processing means performs processing on portions of the image that are designated by a specific color. Sigel, col. 5, lines 3 – 11.

**Claim 10**

Sigel teaches an input means of carrying out a control input on an object pointed to by the pointer on the display surface. Sigel, col. 4, lines 27 – 58.

**Claim 11**

Sigel teaches that image pattern registering means in which are registered one or a plurality of image patterns associated with one or a plurality of the control inputs respectively, and wherein the input means compares the image captured by the imaging means or the image extracted by the image processing means with the image patterns stored in the image pattern registering means and, if the extracted image matches any one of the image patterns, carries out a control input that corresponds to the matching image pattern. Sigel, col. 6, lines 30 – 64.

**Claim 12**

Adair teaches a main body [PDA 22] containing at least the imaging means [camera module 10] and the antenna 36, display part [mounted cellular telephone 190] containing at least the display means [visual display 196], and joining part [mounting means 192] for joining the main body to the display part in an angularly movable fashion. Adair, col. 11, lines 13 – 25; and figures 6a and 6b.

**Claim 17**

Sigel teaches the step of performing a prescribed gesture so as to be captured by the imaging means, wherein the control output is produced by the prescribed gesture. Sigel, col. 4, lines 28 – 58.

**Claim 18**

Sigel teaches a program for causing a computer to function as all or part of the means of the information display device, the means consisting of imaging means of capturing an image, image processing means of processing the image captured by the imaging means, position detecting means of detecting from the processed image the position of the image on a screen, and display means of displaying prescribed information on a display surface. Sigel, col. 4, lines 12 – 58.

**Claim 19**

Sigel teaches a program for causing a computer to function as all or part of the input means of the control input device, the input means carrying out a control input on an object pointed to by the pointer on the display surface. Sigel, col. 4, lines 12 – 68.

**Claim 21**

Adair teaches an antenna 36 for transmitting and receiving radio waves for wireless communications. Adair, col 7, lines 55 – 57; and figure 2. Adair teaches transmit processing means of processing a signal to be transmitted in the form of the radio waves; and receive processing means of processing the radio waves received by the antenna as a signal [transceiver/amplifier section 70]. Adair, col. 10, lines 6 – 31; and figure 4.

**Claim 22**

Sigel teaches that the image that the imaging means captures is a fingertip [pointing finger 28]. Sigel, col. 4, lines 12 – 17; and figures 1 and 2.

**Claim 23**

Sigel teaches that the designated pointer is displayed by detecting a fingertip as the image [pointing finger 28]. Sigel, col. 4, lines 12 – 17; and figures 1 and 2.

**Claim 24**

Sigel teaches that the position detecting means compares the image captured by the imaging means or the image extracted by the image processing means with a plurality of image patterns corresponding to the control inputs respectively, and when the captured or extracted image matches any one of the image patterns, the input means carries out a control input that corresponds to the matched image pattern. Sigel, col. 6, lines 30 – 64.

**Claim 25**

Sigel teaches that the position detecting means compares the images captured by the imaging means or the images extracted by the image processing means with a combination of a plurality of image patterns corresponding to one the control input, and when the captured or extracted images match any one of the combination of image patterns, the input means carries out a control input that corresponds to the matched combination of image patterns. Sigel, col. 6, lines 30 – 64.

**Claim 35**

Adair teaches that the display is used for a portable communication terminal or a portable telephone. Adair, col. 5, lines 45 – 52; col. 8, lines 10 – 13; and figure 6a.

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5. Claims 14, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adair in view of Gale et al., Nishiyama et al., and Lucente et al., USPN 5,566,098.

**Claim 14**

Adair teaches portable communications terminal comprising a display part [mounted cellular telephone 190] having a display surface [visual display 196], a main body [PDA 22] having at least an antenna 36 for transmitting or receiving radio waves for wireless communications, and speaker 76 for outputting voice, and a joining part [mounting means 192] for joining the display part to the main body in an angularly movable fashion. Adair, col. 11, lines 13 – 15; and figures 6a and 6b.

Although Adair teaches a minimum sized handheld device, Adair does not specifically teaches a projection microdisplay and that the control of the cursor using the pointing device is only performed by the same hand that holds the main body.

Gale teaches a projection microdisplay. Gale, col. 1, lines 12 – 16; col. 2, lines 60 – 67; and figure 1. Nishiyama teaches a portable radio telephone being configured so that one can operate various buttons, including a pointer (selector 8), with only one hand while holding the telephone set itself in the same hand. Nishiyama, col. 1, lines 53 – 65; col. 2, lines 36 – 43; col. 4, lines 5 – 31; col. 5, lines 30 – 33; col. 9, lines 43 – 47; and figures 4 and 8.

For the reasons stated above in the rejection of claim 26, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the one handed operation of Nishiyama with the information display method of Sigel and Gale to provide a handheld device having reduced size that could be operated with one hand.

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Neither Adair, Gale, nor Nishiyama teach an attitude detecting means of detecting the attitude of the main body.

Lucente teaches an attitude detecting means [position buttons 53 – 56] of detecting the attitude of the main body [housing 10]. Display orientation switching means [switch card 50] switches the orientation of the image displayed on the display part [flat panel display 12] based on a detection result output from the attitude detecting means. Lucente, col. 2, line 67 – col. 3, line 2; col. 6, line 31 – col. 7, line 13; and figures 1 – 4.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the attitude detecting means as taught by Lucente with the portable communications terminal taught by Adair, Gale, and Nishiyama. Lucente invites such combination by teaching,

In any case, there is a demand in the industry for a pen-based computer which is comfortable to use and which can easily accommodate both right-handed and left-handed writers.

Lucente, col. 2, lines 48 – 51. Lucente adds,

Accordingly, it is one object of the present invention to provide a pen-based computer which can be easily and comfortably used by both left-handed and right-handed writers. The pen-based computer has a configuration which provides a comfortable writing surface and proper viewing angle when the computer is supported either on a flat surface or at an angle. The configuration of the pen-based computer further enables the computer to be comfortably gripped, held, and easily picked-up from a support surface.

Further, it is another object of the present invention to provide a pen-based computer having a flat panel display with a rotating function which enable the computer to be rotated in 90 degree increments while maintaining correct alignment of the text, data and graphics on the flat panel display.

Lucente, col. 4, lines 1 – 18. Lucente concludes,

Accordingly, the present invention provides a pen-based computer with adaptability for either left-handed or right-handed users. Moreover, the configuration of the computer housing provides a design which is aesthetically

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pleasing and which can be comfortably used. The angled side surfaces have a configuration which provides an optimum writing surface for both right and left-handed users while still providing proper viewing of the screen. Further, the pen-based computer maintains the speed and versatility of larger computers, yet is easily transportable because of its smaller size.

Lucente, col. 11, lines 41 – 51.

#### **Claim 15**

Lucente teaches that the attitude detecting means detects the attitude of the main body by using a mercury switch. Lucente, col. 7, lines 5 – 13.

#### **Claim 20**

Lucente teaches a program for causing a computer to function as all or part of the means of the portable communications terminal, the means consisting of attitude detecting means of detecting the attitude of the main body, and display orientation switching means of switching the orientation of the image displayed on the display part, based on a detection result output from the attitude detecting means. Lucente, col. 7, line 14 – col. 8, line 20; and figure 10.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adair in view of Gale et al., Nishiyama et al., and Lucente et al. as applied to claim 14 above, and further in view of Hedberg, USPN 6,411,275 B1.

#### **Claim 16**

Neither Sigel, Gale, Nishiyama, nor Lucente teach that the orientation detecting means detects the attitude of the main body by using a gyro.

Hedberg teaches that movement sensitive means 6 detects the attitude of the main body by using a gyro. Hedberg, col. 2, lines 37 – 43; col. 3, lines 35 – 42; and figure 1.



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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the gyro as taught by Hedberg with the portable communications terminal as taught by Sigel, Gale, Nishiyama, and Lucente. Hedberg invites such combination by teaching,

Consequently, a problem associated with prior art computer configurations is that access is needed to several types of computers provided with different displays suitable for different kinds of applications. As described above, a very small sized flat-panel of a hand-held data entry device, a mobile telephone, or a computer etc. is not at the same time capable of displaying full-screen documents in a proper and readable way.

Hedberg, col. 1, lines 51 – 58. Hedberg adds,

It is an object of said invention to provide a hand-held display device for use with an electronic device, said display device being suitable for the purpose of a hand-held data entry device as well as for both landscape and portrait presentations of a full-page word processing document. Further, it can satisfy the needs of an engineer working with CAD-applications as well as for the display of text and graphic information. Also, hand-held computers can be provided with a display device of the present invention.

Consequently, another object of said invention is to provide a hand-held display device for use with a computer to display a complete or a determined part of a screen image in a proper size with regard to the current needs or requirements of a user.

Still another object of said invention is to provide a display device incorporated in an electronic device such as a mobile telephone, a PDA (Personal Digital Assistant), an organizer, a data terminal to display a complete or a determined part of a screen image in a proper size with regard to the current needs or requirements of a user.

These objects are accomplished by a display device having movement sensitive means such as a micro gyroscope, strain gauge, piezo-electric, or equilibrium of force accelerometer etc incorporated in said display device, thereby being responsive to movements in the space for displaying the complete screen image in different magnifications, or in different parts.

Hedberg, col. 2, lines 16 – 43.

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7. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al., USPN 5,943,625, in view of Gale et al. and Nishiyama et al.

### **Claim 1**

Yeom teaches a portable communication terminal [remote control unit 200] comprising at least a speaker 225 for outputting voice and a pointing device [cursor control device 25] for controlling at least a cursor. The speaker is disposed on the top side of the unit and the cursor control device is disposed on the backside of the unit. Yeom, col. 5, lines 41 – 52; and figures 2 and 6.

Yeom does not specifically teaches a projection microdisplay and that the control of the cursor using the pointing device is only performed by the same hand that holds the main body. Yeom does not teach a display part for displaying an image and a joining part for joining the display part to the unit in an angularly movable fashion.

Gale teaches a projection microdisplay. Gale, col. 1, lines 12 – 16; col. 2, lines 60 – 67; and figure 1. Nishiyama teaches a portable radio telephone being configured so that one can operate various buttons, including a pointer (selector 8), with only one hand while holding the telephone set itself in the same hand. Nishiyama, col. 1, lines 53 – 65; col. 2, lines 36 – 43; col. 4, lines 5 – 31; col. 5, lines 30 – 33; col. 9, lines 43 – 47; and figures 4 and 8. Nishiyama teaches a display section 2 and a receiver section 1 having at least a speaker [receiver (speaker for outputting received voice sounds) 6]. A joining part [hinge 5] joins the display section to the receiver section in an angularly movable fashion. Nishiyama, col. 3, lines 20 – 31; and figure 1 and 6.

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For the reasons stated above in the rejection of claim 26, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the one handed operation of Nishiyama with the information display method of Sigel and Gale to provide a handheld device having reduced size that could be operated with one hand.

### **Claim 3**

Nishiyama teaches that the display part 2 includes a first member where the display surface 7 is provided, and a second member 4 joined to the first member in an angularly movable fashion. Nishiyama, col. 3, lines 20 – 31; and figure 1 and 6.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. in view of Gale et al. and Nishiyama et al. as applied to claim 1 above, and further in view of Adair et al.

### **Claim 2**

Neither Yeom nor Nishiyama teach that the portable communications terminal further comprises an auxiliary display, mounted in the main body, for displaying at least textual information.

Adair teaches that a portable communications terminal [PDA 22] further comprises an auxiliary display [visual display 196], mounted in the main body [externally mounted cellular telephone 190], in addition to the video view screen 26. It is inherent that a visual display 196 for a telephone would display at least textual information, e.g. telephone numbers, names, and messages. Adair, col. 7, lines 43 – 45; col. 11, lines 12 – 28; and figures 6a and 6b.

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For the reasons stated in the discussion of claim 6 above, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the auxiliary display as taught by Adair with the portable communications terminal as taught by Yeom, Gale, and Nishiyama.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. in view of Gale et al. and Nishiyama et al. as applied to claim 1 above, and further in view of Imai, USPN 6,389,267 B1.

#### **Claim 4**

Neither Yeom, Gale, nor Nishiyama teach an answer button to answer an incoming call with the display surface of the display part covered by the main body.

Imai teaches an answer button [key 8B] to answer an incoming call with the display surface of the display part covered by the main body. Imai, col. 1, lines 8 –11; col. 5, lines 25 – 32; and figures 2A and 2B.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the answer button as taught by Imai with the portable communications terminal as taught by either Yeom, Gale, and Nishiyama. Imai invites such combination by teaching,

However, even in any of the above references, the problem in that the speech communication cannot be performed in the state in which the housings are not opened developed is not solved.

Imai, col. 2, lines 24 – 27. Imai adds,

The present invention is accomplished in view of the above problems. Therefore, an object of the present invention is to provide an improved folded type portable radio communication apparatus which can solve the above-mentioned problems.

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Another object of the present invention is to provide a folded type portable radio communication apparatus in which communication can be performed in the closing state.

Still another object of the present invention is to provide a folded type portable radio communication apparatus in which a plurality of speech receiving sections or speech transmitting sections can be automatically switched.

Imai, col. 2, lines 35 – 42.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. in view of Gale et al., and Nishiyama et al. as applied to claim 1 above, and further in view of Kubota, USPN 6,295,358 B1.

#### **Claim 5**

Neither Yeom, Gale, nor Nishiyama teach that the joining part joins the display part to the main body in a detachable fashion.

Kubota teaches the joining part joins the display part to the main body in a detachable fashion.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the detachable hinge as taught by Kubota with the portable communications terminal as taught by Yeom, Gale, and Nishiyama. Kubota invites such combination by teaching,

Various types of compact electronic devices such as cellular telephones, portable computers (with or without a communication function), electronic notebooks, and game computers have come into general use with advances in electronics technology in recent years. These compact devices have flip members (hereinafter referred to as flip-type electronic device), which can be closed when the device is carried, and can be open to a specific size to make the device easy to operate when the device is in use.

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For example, a cellular telephone has a flip member which can be opened and closed. Recently, a detachable flip member has become in wide demand.

To make the flip member detachable from the device main body, the lip member is attached to the device main body by means of a hinge device. The conventional hinge device becomes complicated and large because it must include a mechanism to maintain the flip member at a predetermined angle when the flip member is opened and closed. To reduce the size of the hinge device, the hinge device must be simplified, and as the result, the flip member cannot be securely held at the predetermined angle. In addition, electrical connections between the device main body and the flip member cannot be established in a small limited space. When the detachable mechanism for the flip member is equipped with the conventional hinge device, these problems become more serious. Therefore, an improved hinge device, which reduces its size while maintaining the mechanisms for securely holding the flip member, for making the flip member detachable, and for establishing the electrical connections, become in demand.

Kubota, col. 1, lines 12 – 42. Kubota adds,

It is therefore an object of the present invention to provide a hinge device which has a simplified structure, securely holds a flip member, and reduces the size of the hinge device.

Kubota, col. 1, lines 45 – 48.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. in view of Gale et al., and Nishiyama et al. as applied to claim 1 above or over Sigel in view of Gale et al., Nishiyama et al., and Adair et al. as applied to claims 6 and 9 above, and further in view of Giel et al., USPN 5,881,377.

### **Claim 13**

Neither Yeom, Gale, Nishiyama, Sigel, nor Adair teach a detection switch for detecting that the main body is being held by a user.

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Giel teaches a detection switch 310 for detecting the main body being held by a user [by grips 120 and 122]. The display part is activated when the detection switch detects the main body being held by a user, and the display part is deactivated when the detection switch no longer detects the main body being held. Giel, col. 5, line 12 – col. 6, line 6; and figure 3 and 4. See steps 406 and 414 in figure 4. The detection switch [under grips 120 and 122] is mounted on the other main surface or a side face of the main body. Giel, col. 3, lines 38 – 66; and figures 1 and 2.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the detection switch as taught by Giel with the portable communications terminal as taught by either Yeom, Gale, and Nishiyama or Sigel, Gale, Nishiyama, and Adair. Giel invites such combination by teaching,

One design goal for communication devices including radiotelephones is minimization of power consumption from the battery. One reason for this goal is to permit the use of physically smaller, lighter batteries. Such smaller and lighter batteries permit the communication device itself to be physically smaller and lighter, and thereby more convenient for the user. A second reason for minimizing power consumption in a communication device is to extend the operating time of the communication device, which also enhances convenience for the user.

Displays in communication devices are one source of substantial power consumption. Such displays include multi-segment light emitting diode (LED) displays and liquid crystal (LCD) displays. LCD and other displays often include backlighting using one or more LEDs to improve night time visibility of the display. In addition, the display may include individual elements such as LEDs which are selectively energized to provide a user indication. Still further, many communication devices having keypads provide one or more LEDs for backlighting the keypad for visibility in the dark.

One known method of reducing power consumption in a communication device is blanking the display a predetermined time after operation of the keypad. The display is blanked by removing power from portions of the display. Such portions include specific LED segments or LEDs used for backlighting a LCD display. Only one or a few isolated illuminated elements, such as LED indicators,

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remain energized to provide a visual indication that the communication device is active. By blanking the display, power consumption can be substantially reduced.

Giel, col. 1, lines 31 – 62. Giel concludes,

As can be seen from the foregoing, the present invention provides a method and apparatus for controlling display blanking in a communication device such as a battery powered radiotelephone. The communication device includes a blanking timer which blanks the display a predetermined time after a key press. A switch detects when the communication device is in use. In response to this detection, the communication device maintains supply of operating power to the display, overriding the blanking timer. When a user is holding the communication device adjacent to the user's head, an earpiece sensor provides an indication of this condition. In response to the indication, the display is immediately blanked to conserve operating power in the battery.

Giel, col. 7, lines 33 – 45.

### ***Response to Arguments***

12. Applicant's arguments filed 8 September 2003 have been fully considered but they are not persuasive.

In response to the first office action, applicant amended each independent claim to add a microdisplay and that the control of the pointing device is performed by the same hand that holds the main body. Applicant then argued that the cited prior art does not describe the microdisplay nor the same hand. As to the microdisplay, it would have been obvious to add a microdisplay to the device so described. As to the same hand: Nishiyama, cited by examiner in the rejection of claim 1 in the first office action, clearly teaches that the control of the pointing device is performed by the same hand that holds the main body. See rejection of claim 26 above.



***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leland Jorgensen whose telephone number is 703-305-2650. The examiner can normally be reached on Monday through Friday, 7:00 a.m. through 3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven J. Saras can be reached on 703-305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, telephone number (703) 306-0377.

lrj

A handwritten signature in black ink, appearing to read 'Steven Saras', with a stylized, cursive script.

**STEVEN SARAS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600